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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 EQUAL EMPLOYMENT OPPORTUNITY
10 COMMISSION,

11 Plaintiff

12 v.

13 GIPHX10, LLC d/b/a "HAWTHORN
14 SUITES BY WYNDHAM,"

15 Defendant.

CIVIL ACTION NO.

COMPLAINT

16
17 NATURE OF THE ACTION

18 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
19 Rights Act of 1991 to correct unlawful employment practices on the basis of sex (female) and
20 retaliation for engaging in protected EEO activity, and to provide appropriate relief to Charging
21 Parties Sofia Vera Rodriguez ("Vera") and Maria Cruz Contreras Ramirez ("Contreras") who
22 were adversely affected by such practices. Plaintiff Equal Employment Opportunity
23 Commission ("Plaintiff" or "EEOC") alleges that Defendant GIPHX10, LLC d/b/a "Hawthorn
24 Suites by Wyndham" ("Defendant" or "Hawthorn Suites") at its Kent, Washington facility: (1)
25 subjected Charging Parties Vera and Contreras to unlawful harassment, including a hostile work
environment, based on their sex; (2) constructively discharged Vera; and (3) unlawfully

1 retaliated against Contreras when she complained about the sexual harassment to management.
 2 Plaintiff seeks monetary and injunctive relief for Vera and Contreras, including pecuniary
 3 damages, nonpecuniary compensatory damages, punitive damages, back pay and prejudgment
 4 interest.

5 JURISDICTION AND VENUE

6 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,
 7 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of
 8 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"), and
 9 pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.
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11 2. The employment practices alleged to be unlawful were committed within the
 12 jurisdiction of the United States District Court for the Western District of Washington.

13 PARTIES

14 3. Plaintiff, the Equal Employment Opportunity Commission, is the agency of the
 15 United States of America charged with the administration, interpretation and enforcement of
 16 Title VII, and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title
 17 VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42
 18 U.S.C. § 1981a.
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20 4. At all relevant times, Defendant GIPHX10, LLC d/b/a "Hawthorn Suites" has
 21 been a corporation continuously doing business in the State of Washington and employing at
 22 least fifteen (15) employees.
 23

24 5. At all relevant times, Defendant has continuously been an employer engaged in an
 25 industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42
 U.S.C. §§ 2000e-(b), (g) and (h).

ADMINISTRATIVE PROCEDURES

6. More than thirty (30) days prior to the institution of this lawsuit, Charging Party: (a) Vera filed Charge No. 551-2019-00680 with the EEOC alleging violations of Title VII by Hawthorn Suites; and (b) Contreras filed Charge No. 551-2019-00667 alleging violations of Title VII by Hawthorn Suites. The EEOC investigated the charges filed by Vera and Contreras, and issued Defendant Letters of Determination on March 30, 2020 finding reasonable cause to believe Title VII was violated with regard to Vera and Contreras, and invited Defendant to explore informal methods of conciliation to eliminate the unlawful employment practices and to provide appropriate relief. The EEOC then communicated with Defendant to provide Defendant the opportunity to remedy the discriminatory practices described in the EEOC's Letters of Determination. The EEOC was unable to secure an acceptable conciliation agreement because Defendant declined to participate in the conciliation process. On June 25, 2020, the EEOC issued Notices of Failure of Conciliation to Defendant for each charge. All conditions precedent to the institution of this lawsuit have been fulfilled.

STATEMENT OF CLAIMS

7. Defendant had notice that Contreras (sex, female) was a monolingual Spanish speaker when she was interviewed in February 2018, and then employed her as a Housekeeper at the facility in Kent, Washington from February 2018 to date.

8. Defendant had notice that Vera (sex, female) was a monolingual Spanish speaker when she was interviewed in March 2018, and then employed her as a Housekeeper at the facility in Kent, Washington from March 14, 2018 until July 15, 2018.

9. Since at least April 1, 2018, Defendant has engaged in unlawful employment practices because of sex at the facility in Kent, Washington, in violation of Section 703(a) of

1 Title VII, 42 U.S.C. § 2000(e)-(2)(a), when the maintenance manager/housekeeping manager
2 (male) subjected Vera and Contreras to a hostile work environment based on their sex (female).
3 Defendant's maintenance manager/housekeeping manager subjected Vera and Contreras to
4 multiple instances of unwelcome physical contact, sometimes when each female was alone in a
5 room cleaning, including grabbing each female from behind and groping her. Defendant's
6 maintenance manager/housekeeping manager also made numerous unwelcome comments of a
7 sexual nature, including mocking Vera's protests that she did not want to be touched again by
8 him, and telling Contreras that he was going to sexually assault her.
9

10 10. Left with no reasonable alternative and fearing for her own physical safety
11 because of the maintenance manager/housekeeping manager's harassment, Vera was
12 constructively discharged on July 15, 2018.

13 11. In October 2018, Contreras complained to her immediate supervisor about the
14 verbal and physical sexual harassment that the maintenance manager/housekeeping manager had
15 subjected her to, including his threats to sexually assault her. Days later, Contreras met with
16 Defendant's General Manager (male) at the Kent facility along with a co-worker who spoke both
17 English and Spanish to help translate her description of the sexual harassment that the
18 maintenance manager/housekeeping manager had subjected her to leading up to that date.
19

20 12. Defendant's General Manager conducted a cursory investigation of Contreras's
21 sexual harassment complaint against the maintenance manager/housekeeping manager by asking
22 the male maintenance manager/housekeeping manager whether he had sexually harassed
23 Contreras, and the accused harasser denied doing so.
24

25 13. Since at least October 2018, Defendant has engaged in unlawful employment
practices in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a), when Defendant's

1 General Manager retaliated against Contreras by: (a) directing that the bilingual employee who
2 helped translate at the meeting not assist Contreras again, which left her unable to complain
3 about the maintenance manager/housekeeping manager to the General Manager; (b) threatening
4 to call the police on Contreras if she brought her English-speaking son to the Kent facility where
5 he could translate for her, and then also threatening to fire her if she did so; (c) directing
6 Contreras's immediate supervisor to fire her for any mistake, which caused Contreras to work
7 while she was sick because she feared losing her housekeeping job at the Kent facility; (d)
8 directing Contreras's immediate supervisor to reduce her hours from five days a week to three
9 days a week, when other housekeepers had their hours reduced from five days a week to four
10 days a week; and (e) denying her a \$0.50/hour raise that other housekeepers received.

12 14. Defendant's General Manager did not discipline Defendant's maintenance
13 manager/housekeeping manager, the accused harasser, in any way for his harassment of Vera or
14 Contreras.

15 15. The effect of the practices complained of in paragraphs 9-10 above has been to
16 deprive Vera of equal employment opportunities and otherwise adversely affect her status as an
17 employee because of her sex (female).

18 16. The effect of the practices complained of in paragraphs 9, and 11-14 above has
19 been to deprive Contreras of equal employment opportunities and otherwise adversely affect her
20 status as an employee because of her sex (female).

21 17. The effect of the practices complained of in paragraph 13 above has been to
22 deprive Contreras of equal employment opportunities and otherwise adversely affect her status as
23 an employee because of her engaging in protected EEO activity.
24
25

1 unlawful employment practices described in paragraphs 9-14 above, including past and future
2 out-of-pocket losses, in amounts to be determined at trial.

3 E. Order Defendant to make whole Sofia Vera Rodriguez and Maria Cruz Contreras
4 Ramirez by providing compensation for past and future non-pecuniary losses resulting from the
5 unlawful practices complained of in paragraphs 9-14 above, including emotional pain, suffering,
6 inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

7 F. Order Defendant to pay Sofia Vera Rodriguez and Maria Cruz Contreras Ramirez
8 punitive damages for its malicious and reckless conduct, as described in paragraphs 9-14 above
9 in amounts to be determined at trial.

10 G. Grant such further relief as the Court deems necessary and proper in the public
11 interest.

12 H. Award the Commission its costs of this action.

13 DATED this 17th day of September, 2020.

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7 Attorneys for Plaintiff EEOC

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

DATED this 17th day of September, 2019

/s/ Rebecca Eaton

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